

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

FILED
IN OPEN COURT

OCT 19 2016

CLERK, U.S. DISTRICT COURT
NORFOLK, VA

UNITED STATES OF AMERICA

Criminal No. 2:16cr 140

UNDER SEAL

v.

MATTHEW K. MCMINN,

Defendant.

) 18 U.S.C. § 2252A(a)(5)(B)
) Possession of Child Pornography
) (Counts One through Four)

) 18 U.S.C. § 2252A(a)(2)
) Receipt of Child Pornography
) (Count Five)

) 18 U.S.C. § 2253
) Criminal Forfeiture

INDICTMENT

October 2016 Term -- At Norfolk, Virginia

THE GRAND JURY CHARGES THAT:

COUNT ONE

On or about February 29, 2016, in the Eastern District of Virginia, the defendant MATTHEW K. MCMINN, did knowingly possess one or more matters containing visual depictions that had been mailed, shipped and transported in interstate and foreign commerce, and which were produced using materials that had been mailed, shipped and transported in interstate and foreign commerce, by any means including by computer, the production of which involved the use of a minor engaging in sexually explicit conduct, and which visual depictions were of such conduct, to wit: MATTHEW K. MCMINN possessed a Sony Vaio Laptop, serial number 275460363008360, which contained visual depictions bearing the file names: “!!!(Pthc Pedo) Mom & Kids - 10Yo Boy & 12Yo Girl.avi” and “142680056898.jpg.”

(In violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and (b)(2), 2256(1) and (2).)

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COUNT TWO

On or about February 29, 2016, in the Eastern District of Virginia, the defendant MATTHEW K. MCMINN, did knowingly possess one or more matters containing visual depictions that had been mailed, shipped and transported in interstate and foreign commerce, and which were produced using materials that had been mailed, shipped and transported in interstate and foreign commerce, by any means including by computer, the production of which involved the use of a minor engaging in sexually explicit conduct, and which visual depictions were of such conduct, to wit: MATTHEW K. MCMINN possessed a 16 gigabyte Gigaware USB flash drive, serial number BL1004OFBB, which contained visual depictions bearing the file names: "144433088584.jpg," and "1317703563899.jpg," "guVFMpVV.jpg," "4yo gets cock.mp4," "babyshi rape anal collection(sound) .avi," "chupavergas1.wmv," and ""Compilation pthc sugar baby.wmv."

(In violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and (b)(2), 2256(1) and (2).)

COUNT THREE

On or about February 29, 2016, in the Eastern District of Virginia, the defendant MATTHEW K. MCMINN, did knowingly possess one or more matters containing visual depictions that had been mailed, shipped and transported in interstate and foreign commerce, and which were produced using materials that had been mailed, shipped and transported in interstate and foreign commerce, by any means including by computer, the production of which involved the use of a minor engaging in sexually explicit conduct, and which visual depictions were of such conduct, to wit: MATTHEW K. MCMINN knowingly a Toshiba Satellite C655D-S5200 laptop, serial number 5B227804Q, which contained visual depictions bearing the file names:

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“bbe74252d276ddcbf97f8278c336f42.jpg,” “Zigarette1.jpg,”

“15jpg22171_3709684_13238625.jpg,” and “0c57ccf73f39f063905a29ec431bf35b.jpg.”

(In violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and (b)(2), 2256(1) and (2).)

COUNT FOUR

On or about February 29, 2016, in the Eastern District of Virginia, the defendant MATTHEW K. MCMINN, did knowingly possess one or more matters containing visual depictions that had been mailed, shipped and transported in interstate and foreign commerce, and which were produced using materials that had been mailed, shipped and transported in interstate and foreign commerce, by any means including by computer, the production of which involved the use of a minor engaging in sexually explicit conduct, and which visual depictions were of such conduct, to wit: MATTHEW K. MCMINN possessed a 4 gigabyte SanDisk Cruzer micro USB flash drive, serial number BH0804KC1B, which contained a visual depiction bearing the file name: “tumblr_n2503y51qm1tv9wlyo1)1280.jpg.”

(In violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and (b)(2), 2256(1) and (2).)

COUNT FIVE

On or about September 12, 2015, within the Eastern District of Virginia, the defendant, MATTHEW K. MCMINN, knowingly received one or more visual depictions, in or affecting interstate or foreign commerce, by any means including by computer, and the production of such visual depictions involved the use of a minor engaging in sexually explicit conduct and the visual depictions were of such conduct, to wit: the defendant knowingly received a video entitled, “!!!(Pthc Pedo) Mom & Kids - 10Yo Boy & 12Yo Girl.avi.”

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(In violation of 18 U.S.C. § 2252A(a)(2) and (b)(1), 2256(1) and (2).)

CRIMINAL FORFEITURE

THE GRAND JURY FURTHER ALLEGES THAT:

A. Defendant MATTHEW K. MCMINN, upon conviction of any count in this Indictment, as part of the sentencing of the defendant pursuant to Fed.R.Crim.P. 32.2, shall forfeit to the United States:

1. Any and all matter which contains child pornography or any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, 2252, 2252A, 2252B, or 2260 produced, transported, mailed, shipped, or received in violation of Title 18, United States Code, Section 2251 *et seq.*;

2. Any and all property, real and personal, used or intended to be used in any manner or part to commit or to promote the commission of violations of Title 18, United States Code, Section 2251 *et seq.*, and any property traceable to such property;

3. Any and all property, real and personal, constituting, derived from, or traceable to gross profits or other proceeds obtained from the violations of Title 18, United States Code, Section 2251 *et seq.*; and

4. Any other property of the defendant, up to the value of the property subject to forfeiture, if any property subject to forfeiture, as a result of any act or omission of the defendant (a) cannot be located upon the exercise of due diligence, (b) has been transferred to, sold to, or deposited with a third party, (c) has been placed beyond the jurisdiction of the Court, (d) has been substantially diminished in value, or (e) has been commingled with other property that cannot be divided without difficulty.

B. The property subject to forfeiture under Paragraph A includes, but is not limited

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to, the following items seized from the defendant in or around February 2016:

One (1) Sony Vaio Laptop, serial number 275460363008360;

One (1) 16 gigabyte Gigaware USB flash drive, serial number BL1004OFBB;

One (1) Toshiba Satellite C655D-S5200 laptop, serial number 5B227804Q; and

One (1) 4 gigabyte SanDisk Cruzer micro USB flash drive, serial number BH0804KC1B.

(All pursuant to Title 18, United States Code, Sections 2253 and 981(a)(1)(C); Title 28, United States Code, Section 2461(c); and Title 21, United States Code, Section 853(p).)

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Sealed Pursuant to the
E-Government Act of 2002

A TRUE BILL:

REDACTED COPY

FOREPERSON

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